

REMARKS

In the Office Action, the Examiner rejected claims 1 and 3, and objected to claims 2 and 3/2 for relying on a rejected base claim. Applicant respectfully thanks the Examiner for indicating the allowable subject matter of claims 2 and 3/2. By the present response, Applicant amends claims 1 and 2, and adds new claim 4.

In the Office Action, the Examiner rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Mann (U.S. Patent No. 5,828,793) in view of Ikeda (U.S. Patent No. 5,801,773). However, the Examiner also indicated that claims 2 and 3/2 include allowable subject matter. Accordingly, the Examiner only objected to claims 2 and 3/2 as being dependent upon a rejected base claim. Specifically, the Examiner stated the following:

Claims 2 and 3/2 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach or suggest a linear relationship is established between images recorded with different exposure times by the use of a perpendicular regression technique whereby each image is transformed to match the scale and offset of the first in the series and whereby the weighted average is calculated.

Office Action, pp. 4-5.

As generally suggested by the Examiner, Applicant has amended claim 1 to incorporate features of claim 2, as set forth above. Specifically, based on the Examiner's comments, Applicant has amended claim 1 to include what Applicant believes to be allowable subject matter from the previous version of claim 2, and Applicant has amended claim 2 accordingly. In view of these amendments, Applicant believes that claims 1-4 are in condition for allowance.

Accordingly, in view of the present amendments and the remarks set forth above, Applicant requests that the Examiner withdraw the rejection of claims 1 and 3. Additionally, Applicant requests that the Examiner provide an explicit indication of allowance for claims 1-3.

New Claim

As set forth above, the Applicants added new claim 4. For the reasons discussed in detail above and other claim features, Applicant believes this claim is patentable over the cited references and in condition for allowance. Therefore, Applicant requests that the Examiner provide an explicit indication of allowance for new claim 4.

Fee Payment Authorization

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request thereof. The Commissioner is authorized to charge the requisite fee of \$65.00 for a one-month extension to the listed credit card. No additional fee is believed to be due for the presently added claim. However, if the amount listed thereon is insufficient or if the amount is unable to be charged to the credit card for any other reason, the Commissioner is authorized to charge Deposit Account No. 06-1315; Order No. GJEL:0003.

Conclusion

The Applicant respectfully submits that all pending claims are in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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